



DOCKET NO. 09/16-1098-0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Tatsuya SASAKAWA, et al.

:GROUP ART UNIT:1632

SERIAL NO.: 09/548,290

:EXAMINER: A. WEHBE

FILED: April 12, 2000

:

FOR: ANIMAL MODEL FOR ALLERGIC DISORDERS

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9:13 AM

PETITION FOR REFUND

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants submit this petition for a refund of the fees for the five-month extension of time (\$2,010.00) and the fee for filing the Request for Continued Examination (\$770.00) submitted herewith. Therefore, the total amount of the refund requested is \$2780.00.

Applicants filed a Notice of Appeal on May 12, 2003, along with a two-month extension of time (a copy of the date-stamped filing receipt is attached hereto). Applicants then filed a response to the outstanding Final Rejection on June 10, 2003 (a copy of that response and the date-stamped filing receipt is attached hereto).

As of October 2003, Applicants had not yet received a response from the Examiner. Therefore, on October 2, 2003, Ms. Leslie Driver from Oblon, Spivak contacted the Examiner by telephone to ascertain the status of the response. Ms. Driver was informed that the response had not been matched to the official file due to a PTO processing error. The Examiner requested that we submit a copy of the response by facsimile. Accordingly, Applicants representative sent a copy of all papers filed to the Examiner by facsimile on October 2, 2003. A copy of the facsimile transmission sheet dated October 2, 2003 is

submitted herewith.

On November 13, 2003, Ms. Driver again contacted the Examiner, who informed her that the papers filed in June still had not been matched up with the file. Again, the Examiner requested that a copy of the response be sent to her by facsimile. Accordingly, Applicants sent a copy of all papers filed on June 10, 2003 to the Examiner by facsimile on November 13, 2003. A copy of the facsimile receipt confirmation is attached hereto.

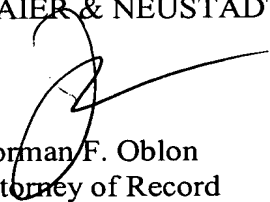
As of December 10, 2003, Applicants still had not received a response from the Examiner. Dr. James Kelly contacted the Examiner by telephone on that date. The Examiner was not in her office, and Dr. Kelly left a voicemail requesting that the Examiner contact him to discuss the case.

In view of the fact that the entire delay in considering the response filed on June 10, 2003 was the fault of the PTO, which necessitated the filing of the five-month extension and the Request for the RCE, in order to avoid abandonment of the application, Applicants respectfully request a refund of the fees associated with those filings, i.e., a refund of \$2780.00.

No fees are believed to be necessary for this Petition. However, if the PTO disagrees, the Office is authorized to charge Deposit Account No. 15-0030 for such a fee.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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